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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

9 MARISSA DEVAULT,) No. CV 11-1423-PHX-RCB (MEA)

10 Plaintiff,)

11 vs.)

12 MARICOPA COUNTY, et al.,)

13 Defendants.)

14) **ORDER**
15 _____)

16 Before the Court is Defendants' Motion to Dismiss (Doc. 5). The motion will be
17 denied without prejudice to refiling.

18 Defendants filed their motion on August 8, 2011 (Doc. 5). Plaintiff, however, filed
19 a motion to amend, which was granted on November 7, 2011 (Doc. 26). Consequently, the
20 motion to dismiss relates to the original Complaint, which is no longer the operative pleading
21 in this action. Hal Roach Studios v. Richard Feiner & Co., 896 F.2d 1542, 1546 (9th Cir.
22 1990) ("an amended pleading supersedes the original"). The Court will therefore deny the
23 motion to dismiss without prejudice to refiling.

24 **IT IS ORDERED** withdrawing the reference to the Magistrate Judge as to

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1 Defendants' Motion to Dismiss (Doc. 5) and it is **denied as moot** without prejudice to
2 refiling.

3 DATED this 7th day of November, 2011.

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7 Robert C. Broomfield
8 Senior United States District Judge
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